

CRM-M-6454-2018

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-6454-2018

Date of Decision: 19th April, 2018

Sombir @ Salinder

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Rajesh Hooda, Advocate
for the petitioner.

Mr. Apoorv Garg, DAG, Haryana.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner, who is a juvenile, has approached this Court for grant of regular bail by filing this petition under Section 439 of the Code of Criminal Procedure, 1973, in FIR No.238, dated 04.06.2017, registered at Police Station Sadar Rohtak, under Section 302 read with Section 34 of the Indian Penal Code (hereinafter referred to as 'IPC').

It is the contention of the learned counsel for the petitioner that as per the FIR, the allegations are that the petitioner along with the co-accused were armed with wooden sticks and gave beatings to deceased-Azad Singh and poured water on him. It is contended that the motive behind the commission of offence is that the deceased had given a fake

currency note to Ashish, the brother of the petitioner, for buying liquor. He contends that as per the post-mortem report, there are 4 bruises and one abrasion on the person of the deceased, whereas, the allegations are that the wooden sticks were being used for giving beatings to the deceased, which allegations are not sustainable. That apart, he contends that the petitioner is in custody since 04.6.2017 and till date, out of total 16 prosecution witnesses cited, only one witness i.e. complainant has been examined. He states that the trial is not likely to conclude in near future and therefore, petitioner be granted the concession of regular bail during the pendency of the trial.

Learned counsel for the State could not dispute the assertions of the counsel of the petitioner, however, he states that there are specific allegations against the petitioner and that too, by the eye-witness, who is the complainant himself and has supported the case of the prosecution in his evidence before the Court below. He, therefore, prays for dismissal of the present petition.

Having considered the submissions made by the counsel for the parties and keeping in view the post-mortem report as also the fact that out of total 16 prosecution witnesses, only one has been examined, who is a material witness i.e. complainant, no useful purpose would be served by keeping the petitioner, who is a juvenile, in custody any further when the trial is not likely to conclude in near future and he having complete more than 10 months in custody.

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In view of the above, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the Principal Magistrate, Juvenile Justice Board-cum-Judicial Magistrate First Class,Rohtak.

Any observation made herein-above shall have no bearing on the merits of the case during the trial in any manner.

19th April, 2018
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No